

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

VOLUME 15 OF 16
TRANSCRIPT OF HEARING
BEFORE THE HONORABLE JOHN MCBRYDE
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S:

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PROCEEDINGS

October 1, 2014 - 1:58 p.m.

(Defendant Weast present in courtroom)

COURT SECURITY OFFICER: All rise.

THE DEFENDANT: I mean, somebody tries to pull me out of this chair, I do not pay homage to this man.

7 COURT SECURITY OFFICER: Hear ye, hear ye, hear ye,
8 the United States District Court for the Northern District of
9 Texas at Fort Worth is now in session, the Honorable John
10 McBryde presiding.

11 Let us pray. God bless these United States and this
12 Honorable Court.

13 Please be seated.

15 MR. CURTIS: Good afternoon, Your Honor.

19 And Ms. Saleem's here for the government, and
20 Mr. Curtis is here for the defendant.

1 *THE DEFENDANT:* Objection, he's not here for me.
2 Objection, Mr. Curtis is not here for me. Mr. Curtis is here
3 for this federal corporation you call the United States over
4 there, and I would like to go ahead and make this clear on the
5 record. I want to make an offer of proof, on and for the
6 record, before we even get this thing started.

7 Are you taking notes over there, ma'am?

8 All right. I'm going to be talking to you, and if
9 someone tries to interrupt, then I'm going to take that as
10 they are trying to violate the fact that I'm trying to make an
11 offer of proof on and for the record.

12 Give me just a second, ma'am, since they won't take
13 the cuffs off of me.

14 *THE COURT:* Mr. Weast, come to the microphone with
15 your attorney.

16 *THE DEFENDANT:* With all due respect, sir --

17 *THE COURT:* Mr. Weast, state your full name for the
18 record.

19 (Brief pause)

20 *THE COURT:* Mr. Weast, state your full name for the
21 record.

22 *THE DEFENDANT:* -- not threatening in some way.

23 *MR. CURTIS:* No, you're cool.

24 *THE DEFENDANT:* I'm a sentient man. I am not a
25 person as described in -- in your USC codes. I am not a legal

1 person.

2 Give me just a second, ma'am. I'm going --

3 And I'm not -- I'm not here to answer your questions
4 today, sir, because this Court, for one, the entire time that
5 we have -- that this engagement has been going on, has not
6 considered me *sui juris*. It has kept presuming that I am pro
7 se.

8 And straight from Black's Law, Fifth Edition, *sui*
9 *juris*: Of his own right; possessing full social and civil
10 rights; not under any legal disability, or the power of
11 another, or guardianship -- which is what he is. Having
12 capacity -- and when I say "he", I mean the attorney standing
13 beside me here trying to represent today. Having capacity to
14 manage one's own affairs; not under legal disability to act
15 for one's self.

16 And I ask this Court, at some point after I finish
17 giving my offer of proof on and for the record: What legal
18 disability are they claiming that I'm under? What are you
19 presuming that I'm under?

20 Give me just a second, since I've got these cuffs on
21 here.

22 Let the record reflect that I'm shackled at the feet
23 and at the hands, with a chain around my waist, preventing me
24 from trying to go through my papers as easily as I would like
25 to.

1 Now, this next order of business here --

2 THE COURT: Okay. I think we've heard enough of
3 this.

4 THE DEFENDANT: I would like to challenge the
5 subject-matter jurisdiction --

6 THE COURT: Mr. Weast, I'm going to have you go to
7 the room you were in when we had the hearing before --

8 THE DEFENDANT: I want --

9 THE COURT: -- and we'll resume the hearing after
10 you're in that room. You'll be able to hear what's going on
11 from that room --

12 THE DEFENDANT: You are supposed --

13 THE COURT: Take him to the room on the third floor.

14 THE DEFENDANT: And that is a violation of equal
15 protection, sir, a violation of equal protection right there.

16 THE COURT: Mr. Curtis, will you have somebody
17 available in that room?

18 THE DEFENDANT: I need my legal papers as well.

19 MR. CURTIS: I have a paralegal from my office.

20 THE DEFENDANT: And I object to the unlawfulness of
21 this court.

22 MR. CURTIS: I have a paralegal from my office that
23 can go to that room, if that's sufficient for the Court. If I
24 need to bring another attorney over, I can, whichever is
25 appropriate.

1 THE COURT: Yes. We'll take a 10-minute recess to
2 give everybody an opportunity to do what needs to be done.

3 MR. CURTIS: Thank you, Your Honor.

4 COURT SECURITY OFFICER: All rise.

5 (Defendant removed from courtroom)

6 (Recess)

7 (Defendant present via video conference)

8 COURT SECURITY OFFICER: All rise.

9 (Judge enters)

10 COURT SECURITY OFFICER: Be seated.

11 THE COURT: Okay. We're back in the courtroom --
12 it's 2:15 now -- on this Number 4:14-CR-023-A, United States
13 of America versus Christopher Robert Weast.

14 My understanding is that Mr. Weast is in a
15 conference room on the third floor of the building, and that
16 there is a video communication between this courtroom and
17 where he's located.

18 As a matter of fact, the screen is set up now where
19 I can see where he's located, and it looks like Mr. Fleury is
20 with him.

21 Is that correct?

22 MR. CURTIS: That is correct, Your Honor.

23 THE COURT: Okay. And he can hear
24 what's -- everything that's said in the courtroom?

25 (Mr. Fleury indicating affirmatively on screen)

1 THE COURT: And if -- if I have a need to have him
2 communicate with us, we have the ability to do that. I can
3 inform the person in charge of the equipment to enable him to
4 communicate with us.

5 Mr. Weast, I arranged for this hearing today because
6 I had received a copy of the presentence investigation report
7 pertaining to you. I think I explained, or at least tried to
8 explain, after the jury had returned a verdict in this case,
9 that such a report would be prepared by the probation officer
10 assigned to your case, and that it would have the opinions of
11 that probation officer as to what the advisory guideline
12 sentencing ranges are, and would have a recitation of the
13 facts on which the probation officer relied in reaching those
14 opinions, and this report, in fact, does have those opinions
15 and a recitation of the supporting facts in the view of the
16 probation officer.

17 I think I tried -- explained or tried to explain to
18 you, after the jury returned a verdict, that I rely very
19 heavily on these reports in determining what sentence to
20 impose, so they need to be as complete and as accurate as
21 possible.

22 And one of the things I intended to accomplish
23 today, and hope I am accomplishing by giving you these
24 explanations, is to impress on you the importance of
25 cooperating with your attorneys and doing whatever is

1 necessary to make whatever objections are appropriate. I'm
2 not suggesting that any objections are appropriate, but if
3 there are some objections that are appropriate, making
4 whatever objections are appropriate to the presentence report.

5 Do you know if he's received a copy of it yet,
6 Mr. Curtis?

7 *MR. CURTIS:* Your Honor, my office has sent a copy
8 to Mr. Weast of the presentence report. I also went yesterday
9 to try to physically give him a copy, but he did not want to
10 meet with me, and I do -- have not confirmed whether the
11 probation office has sent the report to him. I think they
12 sent their copy to me because of the nature of the charges,
13 but I have not been able to confirm whether he's actually seen
14 the presentence report and read it, Your Honor.

15 *THE COURT:* Okay. I want to ask Mr. Weast a
16 question, so if whoever is in charge of the equipment --

17 Mr. Weast?

18 Mr. Fleury, can you hear what I'm saying?

19 *THE DEFENDANT:* I'm sorry, are you addressing me?

20 *THE COURT:* Mr. Weast, have you received a copy of
21 the presentence investigation report?

22 *THE DEFENDANT:* Sir, the only thing I want to do in
23 this courtroom today is challenge the subject-matter
24 jurisdiction, territorial jurisdiction, diversity
25 jurisdiction, and the juris -- the personal jurisdiction of

1 this court, and I want you, for once, to make the government
2 prove, on and for the record, under 12(h)(3) of the Civil
3 Rules of Procedure, and -- let me find it here --

4 *THE COURT:* Okay. We've heard enough from
5 Mr. Weast.

6 *THE DEFENDANT:* Sir --

7 (System muted)

8 *THE COURT:* Mr. Weast, I hope you'll listen to me
9 because it's important.

10 The presentence report indicates that the
11 calculation of your guideline range would indicate that you're
12 subject to a sentence of at least 30 years, and it could be up
13 to life, but because of the statutory maximum for the maximum
14 sentences that can be imposed for the two offenses for which
15 the jury found you guilty, because the statutory maximum for
16 those two offenses is 360 months, then the advisory guideline
17 range for your sentence becomes 360 months or 30 years.

18 So, you need to start thinking about cooperating
19 with your attorneys and assisting them in doing whatever is
20 necessary to make appropriate objections, if there are any to
21 be made, to the presentence report.

22 The presentence report has a lot of factors that the
23 Court can and probably will consider in determining what
24 sentence to impose. It has a history of prior criminal
25 conduct. It has -- which includes a charge against you of

1 molesting a young boy, who was in the custody of your mother
2 while she was, I guess, running some sort of day-care center.

3 Apparently you were not -- that was not prosecuted,
4 but it is called to my attention in the presentence report as
5 something that should be considered, something that happened
6 in September 2006.

7 There is a -- I believe it shows that you had two
8 criminal convictions, one at the age of 18, and one at the age
9 of 29, and that you admitted to another criminal offense as a
10 plea in bar in prosecution.

11 All of those are things that the Court can and
12 probably will take into account in determining what sentence
13 to impose.

14 The calculations of your offense level -- the
15 offense level, when combined with your criminal history score,
16 determines what the advisory guideline range is, and your
17 offense level includes some increases based on certain factors
18 that you may or may not agree with.

19 And if you cooperate with your attorneys, if there's
20 a legitimate basis for disagreement, they will have an
21 opportunity to make an objection, and I'm satisfied your
22 attorneys will do the best they can, whether you cooperate or
23 not.

24 And I think that really is the point I'm trying to
25 make, Mr. Weast, that you're in serious trouble, and you need

1 to cooperate with your attorneys in trying to achieve the best
2 outcome possible, considering your circumstances at this time.

3 Do you have any questions you would like to ask me,
4 Mr. Weast?

5 I'm not interested in hearing from you on the things
6 that you recently have been sending me letters about and
7 recently talking about when I've given you an opportunity to
8 talk, but if you have any serious concerns or questions you
9 would like to ask me, I'll be pleased to hear from you at this
10 time.

11 And you can arrange it where he can communicate with
12 me, if he has any questions.

13 *(System enabled)*

14 *THE COURT:* Mr. Fleury, can you hear us now?

15 *THE DEFENDANT:* I have a question for you, sir.

16 *THE COURT:* What is the question?

17 *THE DEFENDANT:* Is it -- is it not true -- is it not
18 true that lack of jurisdiction cannot be waived, and
19 jurisdiction cannot be conferred on a federal court by
20 consent, inaction, or stipulation per 20 USC 1332, or under
21 1332(c), that there is a presumption against the existence of
22 federal jurisdiction, thus party invoking federal court's
23 jurisdiction bears burden of proof. That's 28 USCA 1332(c).

24 Also, under the Federal Rules of Civil Procedure,
25 Rule 1, says there's -- says that -- I'm sorry, Rule 2, says:

1 There is one form of action, civil -- civil action.

2 So let me ask you this, sir: In rule -- Rule
3 12(h)(3) of the Federal Rules of Civil Procedure provides that
4 whenever it appears by suggestion of the parties or otherwise
5 that the court lacks jurisdiction, the subject matter, the
6 court shall dismiss the action. A court lacking jurisdiction
7 cannot render judgment, but must dismiss the cause at any
8 stage of the proceedings in which it becomes apparent that
9 jurisdiction is lacking.

10 In order for this court to have had jurisdiction to
11 begin with, it would have had to have proved diversity
12 jurisdiction on and for the record, and I'm not talking about
13 the court, I'm talking about the government attorney sitting
14 over there named Aisha Saleem.

15 And she has not put any -- for starters, let's back
16 up to, I do not reside, domicile, or have citizenship in a
17 federal zone under Fort Worth -- in the Fort Worth subdivision
18 of the Northern District, whatever that is, because nobody has
19 ever shown a copy of that to anybody in this case, so that's
20 got to be a presumption, so I'm going to --

21 *THE COURT:* I think we've heard enough from him.
22 Apparently, he --

23 *THE DEFENDANT:* And I refuse to contract with your
24 court, sir. And until -- and something I'd like to put on the
25 record is --

1 THE COURT: Terminate his communication with us.

2 (System muted)

3 THE COURT: I don't know of anything else I can do
4 to impress on Mr. Weast the seriousness of his situation and
5 the need to cooperate with the attorneys.

6 Do you have any suggestion, Ms. Saleem, as to what I
7 might do?

8 MS. SALEEM: I do not, Your Honor.

9 THE COURT: Do you, Mr. Curtis?

10 MR. CURTIS: I can't think of anything else to
11 suggest with regard to that, Your Honor, no.

12 THE COURT: Okay. Well, I think we've concluded the
13 hearing.

14 COURT SECURITY OFFICER: All rise.

15 *(End of Proceedings)*

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REPORTER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 19th day of January, 2015.

/s/ Debra G. Saenz

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CSR Expires: 12/31/15

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